

APPEAL,CLOSED,TYPE-I

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:01-cv-00498-RWR**

CTR FOR INTL ENVIRON v. OFC. U.S. TRADE REP., et al  
Assigned to: Judge Richard W. Roberts  
Demand: \$0  
Case in other court: 12-05136  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/07/2001  
Date Terminated: 02/29/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CENTER FOR INTERNATIONAL  
ENVIRONMENT LAW**

represented by **J. Martin Wagner**  
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V.

**Defendant**

**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

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**Defendant**

**ROBERT B. ZOELLICK**  
*in his official capacity as the United  
States Trade Representative*

represented by **Anne L. Weismann**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel Schwei**  
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TERMINATED: 12/10/2008

LEAD ATTORNEY

| Date Filed | #         | Docket Text  |
|------------|-----------|--|
| 03/07/2001 | <u>1</u>  | COMPLAINT filed by plaintiff CTR FOR INTL ENVIRON (jeb) (Entered: 03/09/2001)  |
| 03/07/2001 |           | SUMMONS (4) issued to federal party(s) federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK , and non-parties: U.S. Attorney and U.S. Attorney General. (jeb) Modified on 03/15/2001 (Entered: 03/09/2001)   |
| 03/27/2001 | <u>2</u>  | ATTORNEY APPEARANCE for federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK by Laurie J. Weinstein (jf) (Entered: 03/28/2001)   |
| 04/05/2001 | <u>3</u>  | MOTION (UNOPPOSED) filed by federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK to extend time to May 14, 2001, to answer complaint [1-1] (jdm) (Entered: 04/06/2001)   |
| 04/09/2001 | <u>4</u>  | ORDER by Judge Richard W. Roberts : granting motion to extend time to May 14, 2001, to answer complaint [1-1] [3-1] by ROBERT B. ZOELLICK, OFC. U.S. TRADE REP. (N) (lin) (Entered: 04/09/2001)  |
| 04/09/2001 | <u>5</u>  | NOTICE OF FILING by federal defendant OFC. U.S. TRADE REP of an amended order to accompany the defendant's motion for extension of time to respond to plaintiff's complaint. (ag) (Entered: 04/10/2001)  |
| 04/13/2001 | <u>6</u>  | ORDER by Judge Richard W. Roberts : granting motion to extend time to May 14, 2001, to answer complaint [1-1] [3-1] by ROBERT B. ZOELLICK, OFC. U.S. TRADE REP. (N) (lin) (Entered: 04/13/2001)  |
| 05/14/2001 | <u>7</u>  | ANSWER TO COMPLAINT [1-1] by federal defendant OFC. U.S. TRADE REP.; Attachments (1) . (ag) (Entered: 05/15/2001)  |
| 05/31/2001 | <u>8</u>  | ORDER by Judge Richard W. Roberts : status hearing set for 11:45 8/8/01 ; (N) (lin) (Entered: 05/31/2001)  |
| 07/25/2001 | <u>9</u>  | MOTION filed by plaintiff CTR FOR INTL ENVIRON to compel production of additional Vaughn information ; exhibits (12) (bjsp) Modified on 07/26/2001 (Entered: 07/26/2001)   |
| 07/25/2001 | <u>10</u> | MEMORANDUM by plaintiff CTR FOR INTL ENVIRON in support of motion to compel production of additional Vaughn information [9-1] by CTR FOR INTL ENVIRON ; exhibits (5) (bjsp) (Entered: 07/26/2001)  |
| 07/30/2001 | <u>11</u> | MOTION (UNOPPOSED) filed by plaintiff CTR FOR INTL ENVIRON to conduct the initial scheduling conference by telephone (ag) (Entered: 07/31/2001)  |
| 08/01/2001 | <u>12</u> | MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 16 filed by plaintiff CTR FOR INTL ENVIRON, federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK . (ag) (Entered: 08/02/2001)  |
| 08/01/2001 | <u>13</u> | MOTION (UNOPPOSED) filed by federal defendant OFC. U.S. TRADE REP. to extend time to 8/15/01 to respond to plaintiff's motion to compel production of additional Vaughn information (ag) (Entered: 08/02/2001)   |
| 08/02/2001 | <u>14</u> | ORDER by Judge Richard W. Roberts: that defendant shall respond to plaintiff's motion to compel production of additional Vaughn Information on or before 8/15/01 ; (N) (kmk) (Entered: 08/03/2001)   |
| 08/02/2001 | <u>15</u> | ORDER by Judge Richard W. Roberts: granting motion to conduct the initial scheduling conference by telephone [11-1] by CTR FOR INTL ENVIRON; that plaintiffs' California counsel may appear by telephone at the initial scheduling conference set for 8/8/01 at 11:45 am, but plaintiff must be represented in court at the conference by local counsel appearing in person. (N) (kmk) (Entered: 08/03/2001) |

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|            |           | 08/03/2001)   |
| 08/07/2001 | 16        | MOTION filed by plaintiff CTR FOR INTL ENVIRON for Scott Pasternack, to appear pro hac vice (Earthjustice Legal Defense Fund, 180 Montgomery Street, San Francisco, CA 94104, (415) 627-6700) ; Exhibits (4) (tth) (Entered: 08/08/2001)                          |
| 08/07/2001 | 17        | ATTORNEY APPEARANCE for federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK by Jennifer Paisner (tth) (Entered: 08/08/2001)  |
| 08/08/2001 | <u>18</u> | ORDER by Judge Richard W. Roberts : granting motion for Scott Pasternack, to appear pro hac vice (Earthjustice Legal Defense Fund, 180 Montgomery Street, San Francisco, CA 94104, (415) 627-6700) [16-1] by CTR FOR INTL ENVIRON (N) (lin) (Entered: 08/09/2001) |
| 08/08/2001 |           | STATUS HEARING before Judge Richard W. Roberts : motion for summary judgment due 10/1/01 ; Reporter: V. Marshall (lin) (Entered: 08/09/2001)  |
| 08/09/2001 | <u>19</u> | ORDER by Judge Richard W. Roberts : dispositive motions due 10/1/01 or 45 days after ruling on plaintiff's motion to compel ; oppositions due 15 days later; replies due 7 days after oppositions (N) (lin) (Entered: 08/10/2001)                                 |
| 08/09/2001 |           | CASE REFERRED to Magistrate Judge John M. Facciola for any discovery disputes (cjp) (Entered: 08/13/2001)   |
| 08/15/2001 | 20        | NOTICE OF FILING DECLARATION of Scott Pasternack by plaintiff CTR FOR INTL ENVIRON in support of plaintiff's Motion to Appear Pro Hac Vice dated 8/6/01; Exhibit (1) (tth) (Entered: 08/16/2001)  |
| 08/15/2001 | 21        | RESPONSE by federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK in opposition to motion to compel production of additional Vaughn information [9-1] by CTR FOR INTL ENVIRON . (aet) (Entered: 08/17/2001)                                |
| 08/27/2001 | 22        | REPLY by plaintiff CTR FOR INTL ENVIRON in support of motion to compel production of additional Vaughn information [9-1] by CTR FOR INTL ENVIRON (ag) (Entered: 08/28/2001)   |
| 08/31/2001 | 23        | MOTION (UNOPPOSED) filed by plaintiff CTR FOR INTL ENVIRON to clarify the scheduling order of 8/9/01 (cjp) (Entered: 09/04/2001)  |
| 09/10/2001 | 25        | RESPONSE by federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK in opposition to clarify the scheduling order filed 8/9/01 . (cas) (Entered: 09/12/2001)   |
| 09/11/2001 | <u>24</u> | ORDER by Judge Richard W. Roberts : granting motion to clarify the scheduling order of 8/9/01 [23-1] by CTR FOR INTL ENVIRON (N) (lin) (Entered: 09/11/2001)  |
| 09/25/2001 | 26        | REPLY by plaintiff CTR FOR INTL ENVIRON in support of their motion to clarify the scheduling order filed August 9, 2001. (nmr) (Entered: 09/26/2001)  |
| 11/15/2001 | 27        | MOTION filed by plaintiff CTR FOR INTL ENVIRON to expedite consideration of Plaintiff's Motion to Compel Production of Additional Vaughn Information ; Declaration (1) (nmr) (Entered: 11/16/2001)  |
| 11/28/2001 | <u>28</u> | MEMORANDUM OPINION AND ORDER by Magistrate Judge John M. Facciola : granting motion to compel production of additional Vaughn information [9-1] by CTR FOR INTL ENVIRON (N) (ldc) (Entered: 11/28/2001)   |
| 12/03/2001 | 29        | NOTICE OF WITHDRAWAL of motion to expedite consideration of Plaintiff's Motion to Compel Production of Additional Vaughn Information [27-1] by CTR FOR INTL ENVIRON (nmr) (Entered: 12/04/2001)   |
| 12/10/2001 | 30        | SUBSTITUTION OF COUNSEL for federal defendants OFC. U.S. TRADE REP., ROBERT B. ZOELLICK, substituting Marcia N. Tiersky for attorney Jennifer Paisner for ROBERT B. ZOELLICK, OFC. U.S. TRADE REP. (nmr) (Entered: 12/11/2001)                                    |

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| 12/20/2001 | 31        | MOTION filed by federal defendants OFC. U.S. TRADE REP., ROBERT B. ZOELLICK to extend time to 1/11/02 to file a revised Vaughn index (nmr) (Entered: 12/21/2001)   |
| 12/26/2001 | <u>32</u> | ORDER by Magistrate Judge John M. Facciola : granting motion to extend time to 1/11/02 to file a revised Vaughn index [31-1] by ROBERT B. ZOELLICK, OFC. U.S. TRADE REP. (N) (ldc) (Entered: 12/26/2001)   |
| 01/11/2002 | 33        | MOTION filed by federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK for summary judgment ; Declarations (2); Attachments (5) (nmr) (Entered: 01/14/2002)  |
| 01/28/2002 | 34        | MOTION filed by plaintiff CTR FOR INTL ENVIRON for summary judgment ; Appendix (1); Exhibits (11) (nmr) (Entered: 01/29/2002)  |
| 02/05/2002 |           | CASE referral ended Magistrate Judge John M. Facciola (ldc) (Entered: 02/07/2002)  |
| 02/06/2002 | 35        | RESPONSE by federal defendants OFC. U.S. TRADE REP., ROBERT B. ZOELLICK in opposition to motion for summary judgment [34-1] by CTR FOR INTL ENVIRON; Declaration (1); Exhibit (1). (nmr) (Entered: 02/07/2002)   |
| 02/14/2002 | 36        | REPLY MEMORANDUM by plaintiff CTR FOR INTL ENVIRON in support of motion for summary judgment [34-1] by CTR FOR INTL ENVIRON ; exhibit (1) (bjsp) (Entered: 02/15/2002)   |
| 03/12/2002 | 37        | NOTICE OF CHANGE OF ADDRESS by John Martin Wagner representing plaintiff CTR FOR INTL ENVIRON. New address: EARTHJUSTICE, 426 17th Street, Sixth Floor, Oakland, CA 94612, (510) 550-6700. (nmr) (Entered: 03/13/2002)   |
| 11/21/2002 | 38        | NOTICE OF CHANGE OF ADDRESS by Marcia N. Tiersky representing federal defendants OFC. U.S. TRADE REP., ROBERT B. ZOELLICK. New address: U.S. Department of Justice, 20 Massachusetts Avenue, NW, Room 7206, Washington, DC 20530, (202) 514-1359. (nmr) (Entered: 11/22/2002)  |
| 12/30/2002 | 39        | NOTICE OF SUPPLEMENTAL AUTHORITY by federal defendant OFC. U.S. TRADE REP., federal defendant ROBERT B. ZOELLICK; Attachment (1) (nmr) (Entered: 01/02/2003)   |
| 09/05/2007 | <u>40</u> | MEMORANDUM OPINION AND ORDER granting in part and denying in part defendants' motion for summary judgment, denying plaintiff's motion for summary judgment and requiring defendants to file supplemental information. Signed by Judge Richard W. Roberts on 9/5/07. (lcrwr1) (Entered: 09/05/2007)                             |
| 10/18/2007 | <u>41</u> | Unopposed MOTION for Extension of Time to <i>File Supplemental Materials in Support of Motion for Summary Judgment</i> by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK (Attachments: # <u>1</u> Text of Proposed Order)(Tiersky, Marcia) (Entered: 10/18/2007)   |
| 10/22/2007 |           | MINUTE ORDER: It is hereby ORDERED that the unopposed motion <u>41</u> for enlargement of time be, and hereby is, GRANTED. Signed by Judge Richard W. Roberts on 10/19/07. (lcrwr1) (Entered: 10/22/2007)  |
| 11/05/2007 | <u>42</u> | SUPPLEMENTAL MEMORANDUM to <i>Defendants' 33 Motion for Summary Judgment</i> filed by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK. (Attachments: # <u>1</u> Vaughn Index# <u>2</u> Declaration of Karen Lezny# <u>3</u> Declaration of Julia Christine Bliss)(Tiersky, Marcia). (Entered: 11/05/2007) |
| 11/14/2007 |           | MINUTE ORDER: It is hereby ORDERED that the plaintiff shall have until November 26, 2007 to respond to the defendants' supplemental brief in support of its motion for summary judgment. Signed by Judge Richard W. Roberts on 11/14/07. (lcrwr1) (Entered: 11/14/2007)  |
| 11/15/2007 | <u>43</u> | Consent MOTION for Extension of Time to File Response/Reply <i>Defendants' Supplemental Brief In Support Of Its Motion For Summary Judgment</i> by CENTER FOR INTERNATIONAL ENVIRONMENT LAW (Attachments: # <u>1</u> Text of Proposed Order)(Wagner, J.) (Entered: 11/15/2007)   |



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| 11/20/2007 |           | Set/Reset Deadlines: Response to Motion for Summary Judgment due by 11/26/2007. (lin, ) (Entered: 11/20/2007)   |
| 11/21/2007 |           | MINUTE ORDER: It is hereby ORDERED that the plaintiff's consent motion <u>43</u> for enlargement of time to file a response be, and hereby is, GRANTED. The response is due by December 17, 2007. Signed by Judge Richard W. Roberts on 11/21/07. (lcrwr1) (Entered: 11/21/2007)  |
| 11/23/2007 |           | Set/Reset Deadlines: Responses due by 12/17/2007 (zlin, ) (Entered: 11/23/2007)   |
| 12/17/2007 | <u>44</u> | SURREPLY to <i>Defendants' Supplemental Brief In Support Of Their Motion For Summary Judgment</i> filed by CENTER FOR INTERNATIONAL ENVIRONMENT LAW. (Attachments: # <u>1</u> Declaration of J. Martin Wagner# <u>2</u> Declaration of Daniel B. Magraw, Jr.)(Wagner, J.) (Entered: 12/17/2007)   |
| 11/21/2008 | <u>45</u> | NOTICE of Release of Documents by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK (Tiersky, Marcia) (Entered: 11/21/2008)  |
| 12/10/2008 | <u>46</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Luke M. Jones on behalf of all defendants Substituting for attorney Marcia N. Tiersky (Jones, Luke) (Entered: 12/10/2008)  |
| 04/12/2011 | <u>47</u> | MEMORANDUM OPINION AND ORDER denying defendants' renewed motion <u>42</u> for summary judgment. The parties shall file by May 12, 2011 a joint status report and proposed order proposing a schedule on which the case should proceed. Signed by Judge Richard W. Roberts on 4/12/11. (lcrwr1) (Entered: 04/12/2011)  |
| 04/13/2011 |           | Set/Reset Deadlines: Joint Status Report and Proposed Order due by 5/12/2011. (hs) (Entered: 04/13/2011)  |
| 04/27/2011 | <u>48</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Schwei on behalf of All Defendants Substituting for attorney Luke M. Jones (Schwei, Daniel) (Entered: 04/27/2011)   |
| 05/12/2011 | <u>49</u> | STATUS REPORT by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK. (Attachments: # <u>1</u> Text of Proposed Order)(Schwei, Daniel) (Entered: 05/12/2011)   |
| 05/18/2011 |           | MINUTE ORDER: In light of the parties' May 12, 2011 joint status report, it is hereby ORDERED that defendants shall file their second renewed motion for summary judgment by June 13, 2011; plaintiff shall file its opposition and cross-motion by July 13, 2011; defendants shall file their reply and opposition by August 3, 2011; and plaintiff shall file its reply by August 24, 2011. Signed by Judge Richard W. Roberts on 5/18/11. (lcrwr1) (Entered: 05/18/2011) |
| 05/18/2011 |           | Set/Reset Deadlines: Defendant's Second renewed Summary Judgment motion due by 6/13/2011; Defendants' Response to Motion for Summary Judgment due by 7/13/2011; Defendants' Reply to Motion for Summary Judgment due by 8/3/2011; Plaintiff's Reply due by 8/24/2011. (hs) (Entered: 05/18/2011)  |
| 06/13/2011 | <u>50</u> | Second MOTION for Summary Judgment by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Julia Christine Bliss, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Schwei, Daniel) (Entered: 06/13/2011)   |
| 07/13/2011 | <u>51</u> | CROSS MOTION for Summary Judgment by CENTER FOR INTERNATIONAL ENVIRONMENT LAW (Attachments: # <u>1</u> Text of Proposed Order)(Wagner, J.) Modified on 7/14/2011 to correct docket text (jf, ). (Entered: 07/13/2011)   |
| 07/13/2011 | <u>52</u> | Memorandum in opposition to re <u>50</u> Second MOTION for Summary Judgment filed by CENTER FOR INTERNATIONAL ENVIRONMENT LAW. (Attachments: # <u>1</u> Text of Proposed Order)(Wagner, J.) (Entered: 07/13/2011)   |
| 08/03/2011 | <u>53</u> | Memorandum in opposition to re <u>51</u> CROSS MOTION for Summary Judgment filed by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK. (Attachments: # <u>1</u> Declaration of Julia Christine Bliss)(Schwei, Daniel) (Entered: 08/03/2011)  |

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| 08/03/2011 | <u>54</u> | REPLY to opposition to motion re <u>50</u> Second MOTION for Summary Judgment filed by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK. (Attachments: # <u>1</u> Declaration of Julia Christine Bliss)(Schwei, Daniel) (Entered: 08/03/2011)   |
| 08/23/2011 | <u>55</u> | REPLY to opposition to motion re <u>51</u> CROSS MOTION for Summary Judgment filed by CENTER FOR INTERNATIONAL ENVIRONMENT LAW. (Wagner, J.) (Entered: 08/23/2011)  |
| 02/29/2012 | <u>56</u> | MEMORANDUM OPINION. Signed by Judge Richard W. Roberts on 2/29/2012. (lcrwr1) (Entered: 02/29/2012)   |
| 02/29/2012 | <u>57</u> | ORDER denying the defendants' second renewed motion <u>50</u> for summary judgment, granting the plaintiff's cross-motion <u>51</u> for summary judgment, and ENJOINING the defendants from withholding Document 1, for the reasons set forth in the Memorandum Opinion filed this day. Signed by Judge Richard W. Roberts on 2/29/2012. (lcrwr1) (Entered: 02/29/2012) |
| 03/12/2012 | <u>58</u> | STIPULATION <i>TO EXTEND TIME</i> by CENTER FOR INTERNATIONAL ENVIRONMENT LAW, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK. (Attachments: # <u>1</u> Text of Proposed Order)(Wagner, J.) (Entered: 03/12/2012)   |
| 03/14/2012 | <u>59</u> | ORDER; Plaintiff's Motion for Recovery of Cost and Fees now due by 5/14/2012, Signed by Judge Richard W. Roberts on 3/14/2012. (hs) (Entered: 03/14/2012)   |
| 04/05/2012 | <u>60</u> | NOTICE of Change of Address by J. Martin Wagner (Wagner, J.) (Entered: 04/05/2012)  |
| 04/26/2012 | <u>61</u> | NOTICE OF APPEAL as to <u>57</u> Order on Motion for Summary Judgment,,, by ROBERT B. ZOELLICK, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE. Fee Status: No Fee Paid. Parties have been notified. (Schwei, Daniel) (Entered: 04/26/2012)   |
| 04/27/2012 | <u>62</u> | Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the fee was an Appeal by the Government re <u>61</u> Notice of Appeal. (jf, ) (Entered: 04/27/2012)  |
| 05/01/2012 |           | USCA Case Number 12-5136 for <u>61</u> Notice of Appeal filed by OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, ROBERT B. ZOELLICK. (jf, ) (Entered: 05/01/2012)   |